

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:12-cv-532-RJC
(3:07-cr-64-RJC-1)**

PRENTISS DAVIS LIPSCOMB,)
)
 Petitioner,)
)
 vs.)
)
 UNITED STATES OF AMERICA,)
)
 Respondent.)
 _____)

60-DAY ORDER

THIS MATTER is before the Court on Petitioner's Motion to Vacate, Set Aside or Correct Sentence under 28 U.S.C. § 2255 or, alternatively, under 28 U.S.C. § 2241, or 28 U.S.C. § 1651(a) (Doc. No. 1). Petitioner is represented by Ross H. Richardson of the Federal Defenders of Western North Carolina. Petitioner is serving a 90-month sentence after being convicted on May 25, 2007, of being a felon in possession of a firearm under 18 U.S.C. § 922(g)(1). In the petition, Petitioner alleges that he is entitled to immediate release in light of the Fourth Circuit's en banc decision in United States v. Simmons, 649 F.3d 237 (4th Cir. 2011). The Court determines that the United States Attorney shall file a response to Petitioner's allegations. The Court will direct that the United States file an Answer or other responsive pleading to the § 2255 motion to vacate within sixty (60) days.

IT IS, THEREFORE, ORDERED that no later than sixty (60) days, the United States Attorney shall file an Answer or other responsive pleading to Petitioner's Motion to Vacate.

Signed: December 28, 2012



Robert J. Conrad, Jr.
Chief United States District Judge

